

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

UNITED STATES OF AMERICA

CASE NO. 2:22-cr-00109

)
v.
)
MICHAEL COTTER,
Defendant.)

DEFENDANT'S SUPPLEMENT TO MOTION TO SET CONDITIONS OF RELEASE

NOW COMES Defendant, Michael Cotter, by and through his attorney, Mark D. Oettinger, and hereby respectfully moves that he be allowed to return to residential treatment at Live Free Recovery, a 30–45-day program, in Keene, New Hampshire, to be followed by living with his mother, Sandra Cotter, in South Acworth, New Hampshire, until a sober living bed here in the Burlington area becomes available...all with the goal of allowing him to participate in the Burlington-based Federal Drug Court. Michael is currently on two sober housing waiting lists... First Step Recovery and Vermont Foundation for Recovery.

As the Court is aware, Mr. Cotter continues to struggle with his addiction to illicit substances. He acknowledges the power and control that drug use has had over his life. Clearly, he needs a brand new, previously untried plan, in order to maintain sobriety. That is why we are proposing a longer residential treatment program, to be followed by sober living, and participation in the Burlington Drug Court. In the meantime, Mr. Cotter is fortunate to have the support of his mother, Sandra Cotter, who is a licensed drug and alcohol counselor.

Live Free Recovery uses a patient-focused approach, which allows for the individualization of the services which are provided to those who come into their care. They focus on the transformational supports and tools that their rehab patients, like Mr. Cotter, need in order to help them achieve and maintain recovery. Defense counsel has conferred with Live Free Recovery, which has authorized us to represent to the Court that Mr. Cotter is welcome to return directly to their facility, if the Court sees fit to release him from custody. In that event, he would be transported by his mother, who attended the October 13, 2023 change of plea hearing.

Ultimately, Mr. Cotter would like to live in sober housing that offers both AA and NA, while attending the Burlington-based Federal Drug Court, and (consistent with his other conditions of release) working within the community.

In accordance with United States District Court, District of Vermont, Local Rule of Procedure 7(a)(7), defense counsel has consulted with AUSA Zachary Stendig, who supports Federal Drug Court (see Paragraph 12(b) of the Plea Agreement) for Mr. Cotter on the condition that he can arrange suitable sober housing.

The only remaining impediment to a smooth transition for Mr. Cotter into treatment, sober living and Drug Court, is a Windsor County warrant which arose out of a DUI charge that Mr. Cotter incurred following his earlier release in the instant case. He failed to appear in Windsor County because he had been re-arrested on the instant charges for failure to abide by his conditions of release. Defense counsel has been in touch with State's Attorney Ward Goodenough regarding the status of the Windsor County DUI case, and he has connected Mr. Goodenough with AUSA Stendig. On information and belief, the Windsor County warrant either has been...or will be...withdrawn or cancelled prior to Mr. Cotter's hoped-for release on conditions. On the other hand, if that should prove impossible without a physical appearance by Mr. Cotter in the Windsor Criminal Division, then Mr. Cotter will go there and address the warrant promptly upon release, consistent with any and all conditions of release that might be set by the Court.

For the reasons stated above, Defendant Michael Cotter respectfully requests that the Court set conditions of release allowing him to return to Live Free Recovery in Keene, New Hampshire, starting directly upon his release from custody, to be followed by residing with his mother, Sandra Cotter, in South Acworth, New Hampshire, until a sober living bed here in the Burlington area becomes available, and otherwise abiding by the conditions set by the Court and the United States Probation Office.

DATED at Burlington, Vermont this 26th day of October, 2023.



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